

# FINAL BILL REPORT

## EHB 2241

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Synopsis as Enacted

**Brief Description:** Authorizing limited recreational activities, playing fields, and supporting facilities existing before July 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040.

**Sponsors:** By Representatives Dunshee, Lovick and O'Brien.

**House Committee on Local Government**

**Senate Committee on Government Operations & Elections**

### **Background:**

#### *Growth Management Act*

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the Act (planning jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

The GMA specifies certain designation and conservation requirements for natural resource lands. All local governments must designate, where appropriate, agricultural, forest, and mineral resource lands of long-term significance in areas not already characterized by urban growth. "Agricultural land" is defined by the GMA to include land primarily devoted to the commercial production of specified products, such as horticultural, viticultural, floricultural, vegetable, or animal products.

Planning jurisdictions must adopt development regulations to assure the conservation of designated agricultural and other natural resource lands. These development regulations may include zoning ordinances. The GMA permits counties or cities to use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance. These zoning techniques, however, should be designed to conserve agricultural lands and encourage the agricultural economy.

In addition to the provisions for natural resource lands, planning jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Except as otherwise provided in the GMA, comprehensive plan amendments may be considered by the governing body of the city or county no more frequently than once per year.

The GMA requires six western Washington counties (Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties) and the cities within those counties to establish a review and evaluation "buildable lands" program. The purpose of the program is to determine whether a

county and its cities are achieving urban densities, and identify reasonable measures that will be taken to comply with requirements of the GMA.

*Agricultural Lands and Recreational Uses – Appeals and Decisions*

Quasi judicial and judicial bodies in Washington have examined the issue of allowing designated agricultural areas to be used for recreational purposes. In 1997 King County amended its comprehensive plan and zoning code to allow, upon the satisfaction of specific criteria, active recreational uses on certain properties within designated agricultural areas. These amendments were appealed to the Central Puget Sound Growth Management Hearings Board (Board) in January 1998. Upon reviewing the matter, the Board found that the challenged amendments did not comply with specific provisions of the GMA.

Following an appeal to and reversal by the King County Superior Court, the case was appealed to the Washington State Supreme Court where in December 2000, the court reversed the trial court and reinstated the Board's decision invalidating the challenged amendments. In its decision, the court held that although the GMA offers specific zoning flexibility to jurisdictions and encourages recreational uses of land, the county's comprehensive plan and zoning amendments violated the GMA.

**Summary:**

The legislative authority of a county may designate qualifying agricultural lands of long-term commercial significance (agricultural lands) as recreational lands if the county:

- is subject to the buildable lands provisions of the GMA;
- has a population fewer than 1 million; and
- has a total market value of [agricultural] production greater than \$125 million as reported by the United States Department of Agriculture's *2002 Census of Agriculture County Profile*.

"Recreational land" is defined as land designated as such that was agricultural land immediately prior to this designation. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

Counties designating recreational lands must do so by resolution and must satisfy specific notification and public participation requirements. The recreational lands designation supersedes previous designations and requires an amendment to the comprehensive plan prepared by the county. The authority of a county to designate recreational lands ends on June 30, 2006.

Numerous designation criteria are specified. Lands eligible for designation as recreational lands must not be in use for the commercial production of food or other agricultural products and must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields. Recreational lands may be used only for athletic or related activities, playing fields, and supporting facilities for sports played on grass playing fields or for agricultural uses. Lands eligible for designation as recreational lands must also be registered by the property owner or owners with the applicable county at least 90 days before

designation. The designation must not affect other agricultural lands and must not preclude reversion to agricultural uses.

Agricultural lands designated under the GMA that: were purchased in full or in part with public funds; or with property rights or interests that were purchased in full or in part with public funds, may not be designated as recreational land.

Playing fields and supporting facilities for sports played on grass playing fields must comply with applicable permitting requirements and development regulations. Additionally, the size and capacity of the fields and facilities, irrespective of parcel size, may not exceed the infrastructure capacity of the county.

Until June 30, 2006, a qualifying county may amend its comprehensive plan more frequently than annually to accommodate a recreational lands designation. A county may not, however, amend its comprehensive plan under this authorization more frequently than every 18 months.

Playing fields and supporting facilities existing before July 1, 2004, on recreational lands that were designated according to specified provisions must be considered in compliance with the requirements of the GMA.

**Votes on Final Passage:**

House	93	0
Senate	40	5

**Effective:** May 12, 2005